

Atty's Docket: Biersdorf 540.1-wcg

CONDITIONAL PETITION FOR EXTENSION OF TIME

If any extension of time for this response is required, Applicants request that this be considered a petition therefore. Please charge the required fee to Deposit Account No. 14-1263.

ADDITIONAL FEES

Please charge any further insufficiency of fees, or credit any excess to Deposit Account No. 14-1263.

REMARKS

Claims 1-3 and 5-13 were pending.

In response to the rejections under § 103(a) Applicants have canceled claims 7 and 8, and incorporated the corresponding subject matter into claim 1.

New claims 14 and 15 have been added to further indicate that the foam comprises aliphatic dispersions of polyurethanes. This narrowly construed claim limitation is not suggested by the references.

No claim amendments or newly added claims add new matter.

The Amendments Overcome the § 103(a) Rejections

It is believed that amended claim 1 distinguishes from the art because the size range of the foam layers, and the density of the dry foam are not disclosed in either Morgan or Sandvig. In fact, Sandvig discloses that the foam portion should be from 10 to 20 mm thick. Col. 3, lines 49-56. Morgan does not teach that thickness of any layer is of consequence.

According to newly amended claim 1, the maximum thickness of the foam portion is 6 mm. This reflects the Applicants' foam being sufficiently distinct over the art, to result in thinner foam layers that provide the desired comfort and protection. Note that examples 1 and 2 demonstrate that excellent physical

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properties may be obtained by patches having a total thickness of all foam layers of from 0.8 mm to 1.1 mm. See pages 5-8. This is about 10 times thinner than Sandvig's patch, thus providing a major improvement in comfort over the combined references.

Accordingly, Applicants respectfully request withdrawal of the rejections under 35 U.S.C. § 103(a).

Respectfully Submitted,

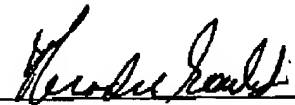
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